



Rutvik Santosh Bade
Vs.
State of Maharashtra

ORDER BELOW EXH.1

Present successive anticipatory bail application is moved by applicant/accused No.3-Rutvik Santosh Bade, as arrayed in FIR, for releasing him on anticipatory bail under Section 438 of the Code of Criminal Procedure (for short Cr.P.C.), in Crime No. 62/2023, registered at Baramati City Police Station, Baramati for offence punishable under Sections 354, 327, 324, 323, 504, 506, 427 read with section 34 of The Indian Penal Code (for short I.P.C.).

2. Heard Ld. Advocate for applicant/accused and learned A.P.P. for State. Perused the copy of FIR and police papers.

3. Under Section 438 of Cr.P.C., any person may apply for anticipatory bail apprehending arrest in non-bailable offence, which the Court may grant considering the nature and gravity of accusation, antecedents of applicant, possibility of abscondance of accused and where the accusations are made for injuring or humiliating the applicant.

4. On 24.01.2023, while admitted in a Hospital, Baramati, complainant-Sachin Ankush Waise made statement before Baramati City Police, that on 23.01.2023 at about 7.30 p.m. at the spot of in front of the house of complainant, he with his wife came out after hearing a sound of damaging his car, and found accused Rekha and Sakshi breaking the glass of car with bat. On questioning them, accused-Sakshi assaulted him with bat and

Rekha assaulted with iron rod on his back and stomach. Present Accused-Rutvik caught hold of the complainant for assaulting him with iron fighter. When wife of complainant came for rescue, accused-Sakshi assaulted her on head and Rekha assaulted with iron rod on her back, whereby she fell down. Present accused-Rutvik gave fist and kicks blows to both of them with threats to kill, if they lodge report to police station. They left the spot with abuses. In the beating, mobile phone of complainant's wife and her ornament in neck were lost. On such report, FIR came to be registered and investigation commenced. The first bail application of the accused was rejected on 22.08.2024. However, the present application is filed contending filing of charge-sheet against the other two accused and material brought therein.

5. In the submissions of Ld. Advocate for accused, the additional material in the present application is brought that as per the statement, supplementary statements of complainant, statements of witnesses, and the statement of injured-lady being wife of complainant, no allegations are made regarding outraging modesty of victim and any serious injury to either complainant or victim. The injury certificates show that injuries suffered by the complainant and his wife are simple injuries. He submitted that the findings of this Court in earlier application regarding commission of offence under Section 354 of IPC and injury to either complainant or victim now do not survive in view of the material brought against the other accused. He submitted that no offence alleged under Sections 354 and 327 of IPC is made out and other offences are bailable. The custody of accused is not required for any purpose. Nothing is to be seized or recovered from him. He submitted to allow the application.

6. Per contra, Ld. A.P.P. for State submitted that no change in circumstances are brought on record as successive application is moved after filing of charge-sheet against the other accused, and the present accused is shown therein as absconding under Section 299 of Cr.P.C. No case is made out showing additional material. Section 327 of IPC is punishable with imprisonment upto 10 years. The present accused has manhandled the victim-lady and injured her attracting the provisions of Sections 354 and 327 of IPC. He submitted that recovery from accused of the object used in crime is necessary alongwith interrogation. Therefore, he submitted to reject the application.

7. The earlier Cri.B.A.No.548/2024 moved by all the three accused on 22.08.2024, came to be allowed as regards other accused ladies being nos.1 and 2. It came to be rejected as filed by the present accused. The observations in the earlier order are as under:

“8. Insofar as role of the accused persons in the offence, the accused Sakshi and Rekha are alleged to have assaulted the complainant and his wife with bat and rod. However, accused Rutvik assaulted the complainant with fighter and when the complainant’s wife made attempt to rescue him, he assaulted her. Allegations are further made against Rutvik that he has stolen the Mangalsutra of complainant’s wife after attempting to strangulate her thereby. C.C.Tv. footage of the incident is also stated to have been taken. There are allegations of beating to the wife of complainant by accused Rutvik. From the perusal of FIR and case papers, it does not appear that allegations made against accused persons are false or baseless. However, looking to the role played in the offence by each accused and nature of offence, allegations against applicant Sakshi and Rekha are of lesser offence, and accused Rutvik is alleged to have highhandedly assaulted complainant and his wife with fighter and then assaulted her with fist and kicks blows, and snatching of Mangalsutra from her person. Offence under section 354 of IPC is alleged against Rutvik, which cannot

be invoked against other applicants. Complainant's wife has appeared in the proceeding and filed affidavit that Rutvik has outraged her modesty and threatened her to kill if she would file report to police station. She has objected to release accused on anticipatory bail."

9. Looking to the nature of offence and punishment provided therefor; in view of the discussion made above, the applicants Sakshi and Rekha shall be released on anticipatory bail and application made by Rutvik shall be rejected on the ground of nature of offence committed by him under section 354 of IPC and the alleged recovery to be made from him by making investigation."

8. Now, the Ld. Advocate for accused as above submitted regarding the charge-sheet filed against the other two lady accused, and the evidence by way of statements of witnesses recorded by the Investigating Officer, to submit that no offence under Section 354 of IPC, as also under Section 327 of IPC is made out against the accused. The allegations in the statements of witnesses appear regarding beating and assault on the complainant and his victim wife by the present accused. Statement of victim being wife of complainant is also of outraging modesty by present accused and injuring herself and her husband, and that carrying her *mangalsutra* by accused. No new material appears against the present accused after passing of the earlier order, inasmuch as filing of charge-sheet against the other accused is not filing of case against the present accused as per law and no investigation is made from him. He is shown to be absconding therein. The I.O. seeks to make recovery from the accused, for which custody is stated to be necessary. Section 327 of IPC is also invoked in the offence punishable with imprisonment upto 10 years.

9. In view of the above discussion, no case is made out by the accused for releasing him on anticipatory bail. Hence, the following order:

ORDER

Application is hereby rejected.

Date :- 10.03.2026

(V. C. Barde)
Addl. Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer : V.B.Lalsangi
Stenographer (G-1)

Court Name : Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 10.03.2026

Order signed by
Presiding Officer : 10.03.2026

Order uploaded on : 10.03.2026